

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action dated October 17, 2006. In the Office Action, the Patent Office rejected Claims 4-5 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Further, the Patent Office rejected Claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over *Berard et al.* (United States Patent Number: 5,515,043).

The Patent Office rejected Claims 4 and 5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Patent Office states that Claims 4 and 5 recite the limitation “the key holder” in line 1. The Patent Office states that there is insufficient antecedent basis for this limitation in the claim. In response, applicant has amended Claims 4 and 5 to provide antecedent basis for the limitation. Applicant respectfully submits that the rejection has been overcome. Notice that effect is requested.

The Patent Office further states that “the switch for activating and deactivating the security is met by the remote control transmitter” and “the second trigger that transmits a signal containing location information is met by the control unit transmitting location information to the central monitoring facility.”

The Patent Office rejected Claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over *Berard et al.*, Applicant respectfully asserts that the claim is further believed allowable over *Berard* for the reasons set forth below and because of the changes to the claims. The Patent Office states that the claimed subject matter that is met by *Berard et al.* includes:

- 1) The GPS device having a radio portion is met by the main module (12) including GPS receiver (22);
- 2) the first trigger is met by the input means of the remote phone which permits a caller to activate various vehicle controls such as alarms (see column 4, lines 5-16);

- 3) the second trigger that transmits a signal containing location information is met by the input means of the remote phone which permits a location function for the phone which causes the vehicle to transmit its position data (see column 3, lines 50-53; column 4, lines 5-10);
- 4) the recipient communicating with a ground dispatch station to determine the location of the transmitted signal is met by remote phone determining the vehicle position via use of cellular phone network (30) which includes telephone stations which provides position information to the phone via the network.

With regards to the triggers, the Patent Office states that it would have been obvious that the remote phone would have included triggers in the form of input means (keypad) since some form of input means would have been necessary in order to enter the PIN which would have allowed access and control of the vehicle systems via the remote phone. (see column 4, lines 5-16).

Amended Claim 1 requires an improved GPS device, having a radio portion that communicates with a plurality of satellites for determining a location of the device. The device includes the capability for triggering multiple warnings at different locations, including a first trigger that activates an alarm on a nearby motor vehicle and a second trigger that transmits a signal containing location information relating to the device and further wherein the signal is transmitted to a recipient at a distant location from the device. The system allows for the recipient to communicate with a ground dispatch station to determine the location of the transmitted signal. Additionally, the system has a handheld device having a first and second trigger which are disposed within a remote control unit for a car alarm.

Berard et al. teaches a vehicle locating and alarm system that enables the user to remotely access the vehicle and, if need be, activate an alarm system therein. This system also automatically calls one or more pre-programmed telephone numbers upon the occurrence of certain events, such as a collision or other emergency. Upon remotely accessing the vehicle by telephone or computer, the user is, upon entering a valid Personal Identification Number ("PIN"), supplied with the vehicle's location, speed and a command option menu for alarm and deterrent device control.

Berard et al., taken singly, does not teach or suggest the device or method disclosed by the applicant. More specifically, *Berard et al.* specifically teaches tracking of a vehicle and activating the alarm of the vehicle and reporting the vehicle's location. *Berard et al.* does not teach or suggest a second trigger that transmits a signal containing location information relating to the device and further wherein the signal is transmitted to a recipient at a distant location from the device and further wherein the recipient communicates with a ground dispatch station to determine the location of the transmitted signal and further wherein the system has a first and second trigger wherein the first and second triggers are disposed within a remote control unit for a car alarm.

Further, the Patent Office provided no teaching as to why one having ordinary skill in the art would have been led to modify *Berard et al.* to create Applicant's invention. Since the Patent Office failed to establish a *prima facie* case of obviousness, Applicant believes that the rejection of Claims 1-7 under 35 U.S.C. §103(a) should be withdrawn. Notice to that effect is requested.

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicants' invention. A teaching, suggestion, or incentive must exist to make the combination made by Applicants. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

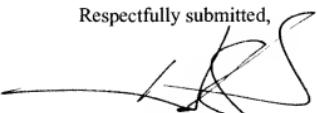
In view of the foregoing remarks and amendments, the rejection of Claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Reeley* has been overcome and should be withdrawn. Notice to that effect is requested.

Claims 2-7 depend from Claim 1. These claims are further believed allowable over *Reeley* for the same reasons set forth with respect to independent Claim 1 since each sets forth additional novel components of Applicant's Combination Car Alarm and Personal Locator System.

Request For Allowance

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,



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